



OKLAHOMA CITY UNIVERSITY
SCHOOL of LAW

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Oklahoma Innocence Project Statement Regarding the Filing of an Application and Brief for Post-Conviction Relief

(OKLAHOMA CITY – July 24, 2013) – Today the Oklahoma Innocence Project (OIP) at Oklahoma City University School of Law filed an application and brief in support of post-conviction relief on behalf of Karl Fontenot. Fontenot was convicted of the murder, robbery and kidnapping of Donna Denise Haraway who disappeared from McAnally's convenience store in Ada, Oklahoma in April 1984.

The Project began reviewing and investigating Karl's case in 2012. During this time, the Project discovered new evidence that demonstrates Karl's actual innocence. As outlined in the brief filed today, we have evidence regarding the following:

- **THE STATE'S CASE & BRADY VIOLATIONS:** The prosecution's case rested primarily on two sources: one eyewitness that linked Karl to the location of Ms. Haraway's disappearance, McAnally's, and Karl's confession. This sole eyewitness later recanted his testimony and identified another individual. Unfortunately, the prosecution refused to re-evaluate their case regarding this monumental change in his account. Karl's false confession, which matched the prosecution's theory of the case including the cause of death, was completely disproven by a subsequent medical examiner's report and the corroborating evidence discussed below.

Additionally, more than 800 pages of records from the case were not turned over to the defense during Karl's trials. The U.S. Supreme Court has determined that prosecutors must disclose to defendants all exculpatory and impeachment evidence that could impact a case, and if they do not, the prosecution has violated the "Brady Rule." Not only was the information in these favorable and exculpatory 800 pages of reports and documents not turned over to Karl's defense, now nearly all the files in the case including witness interviews, medical examiners photographs and x-rays, and a majority of the exhibits from his trials are reported as lost.

- **CAUSE OF DEATH:** The prosecution's theory of the case and the alleged cause of death at trial are inaccurate based on the evidence. The prosecution claimed that Ms. Haraway had been raped, stabbed, burned, and killed in an undetermined location west of Ada. However, the complete medical examiner's report demonstrated clearly that the cause of Ms. Haraway's

death was a gunshot wound to the head. Her remains were found east of Ada.

- **ALIBI:** New evidence demonstrates that Karl was at a local party at a neighbor's house on the night of, and during the time frame, that Ms. Haraway disappeared. Several people attending the party vividly remember, and can confirm, Karl's presence at the party. Investigators were aware of this party based on witness accounts, dispatch records and police reports. In fact, Ada police responded several times to the party that evening due to noise complaints. Unfortunately, none of these witnesses testified at Karl's trial.
- **VICTIM WAS HARASSED:** New evidence proves that Ms. Haraway was being stalked in the weeks and months leading up to her disappearance. She received harassing phone calls while she was at work. She told friends and family that she did not feel comfortable working there, particularly at night. Unfortunately, none of this evidence was turned over to Karl's defense team for his trials.

"It is our belief that the evidence we discovered during the course of our investigation into this case proves Karl Fontenot was not involved," said OIP Director Tiffany Murphy. "There were many inconsistencies throughout the investigation into Ms. Haraway's disappearance, many of which help our case for post-conviction relief for Karl. We firmly believe an innocent man has been in prison for nearly 30 years for a crime he did not commit."

The Project realizes that filing this petition has consequences for those involved, especially a potential impact for the Haraway family. Just as important as it is that Karl receives justice, it is equally important that the family receives justice. We want the Haraway family and everyone else to know that no one is more interested than the Project in seeing that the true perpetrator of this crime is found and brought to justice. And it is our hope that this process can not only exonerate Karl, but also help to identify the true perpetrator of this terrible crime.

CASE BACKGROUND

Ms. Haraway vanished in April 1984 while working at McAnally's convenience store on the outskirts of Ada. There were no leads in the case until October of that year when an informant told police the name of a suspect. That suspect was interrogated and given a polygraph. After hours of additional questioning, that suspect told police about a dream he had where he, his friend Karl Fontenot and a 3rd man were involved in Ms. Haraway's disappearance and death.

After hours of questioning, Fontenot, like the first suspect, confessed to the crime. Both men were arrested and charged in the case, although there were major discrepancies between the two confessions. Police determined the third man could not have been involved in the crime because his arm was in a cast.

Although he confessed during his interrogation by police, Fontenot quickly recanted and has maintained his innocence ever since.

Fontenot and his co-defendant were tried together in September 1985. Both men were found guilty and sentenced to death. They were scheduled to die in January 1986. Fontenot's case was appealed and he was granted a new trial. It was during the appeal that the remains of Ms. Haraway were found about 30 miles east of Ada.

In 1988, Karl was retried, convicted and sentenced to death a second time. His sentence was eventually commuted to life in prison without the possibility of parole.

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ABOUT THE OKLAHOMA INNOCENCE PROJECT

The Oklahoma Innocence Project (OIP) officially launched in August 2011. The project is dedicated to identifying and remedying cases of wrongful convictions in Oklahoma. Bringing together Oklahoma City University School of Law students to work with attorneys and the director, the OIP pursues only cases in which there is credible evidence of factual innocence. For more information, visit innocence.okcu.edu.

ABOUT OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW

Oklahoma City University School of Law is fully approved by the American Bar Association and is a member of the Association of American Law Schools. It serves a diverse student body of approximately 500. Oklahoma City University School of Law's nearly 6,000 alumni practice in every state and several foreign countries. For more information, visit law.okcu.edu.